

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES HALL, et al.,
Plaintiffs,
v.
COUNTY OF WHATCOM, et al.,
Defendants.

No. C09-1545 RSL

ORDER GRANTING DEFENDANTS'
MOTION TO CONTINUE TRIAL DATE


This matter comes before the Court on defendants' Motion to Continue Trial Date. Dkt. #24. The current trial date is scheduled for November 7, 2011. On January 18, 2011, defendants discovered that plaintiff James Hall will be deployed to Afghanistan in November 2011. Dkt. #25 (Mitchell Decl.) at 9, Ex. B (Hall Depo.). On February 2, 2011, defendants filed this motion requesting a June 2011 trial date based on the availability of defendants' counsel and the Court. The same day, approximately four hours later, plaintiff filed a notice of counsel's unavailability, which states that he "is unavailable for any procedure in this case and not reachable by phone or e-mail" from February 3 through February 25, February 28 through March 4, April 11 through April 15, April 18 through April 22, and April 25 through April 29. Dkt. #27. Plaintiff did not file an opposition. Counsel's busy case load does not absolve him of his obligations in other cases. The failure to file an opposition could have resulted in the

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1 Court setting a June 2011 trial date.¹ Local Civ. R. 7(b)(2) (failure to file opposition “may be
2 considered by the court as an admission that the motion has merit.”). However, in the interests
3 of justice, the Court will set a new trial date of September 12, 2011.

4 For all the foregoing reasons, the Court GRANTS defendants’ motion for trial
5 continuance, and ORDERS that trial be scheduled to commence on September 12, 2011. The
6 Court will enter an amended scheduling order setting trial and related dates.

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8 DATED this 14th day of February, 2011.
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11 Robert S. Lasnik
12 United States District Judge
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24 ¹The Court warns plaintiff’s counsel that failure to abide by the rules and procedures of the
25 United States District Court, Western District of Washington in the future may result in adverse
26 rulings.